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9 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

10
11 DEBORAH WESCH, DARIUS CLARK,
12 JOHN H. COTTRELL, WILLIAM B.
COTTRELL, RYAN HAMRE, GREG
13 HERTIK, DAISY HODSON, DAVID LUMB,
14 KYLA ROLLIER and JENNY SZETO,
individually and on behalf of all others
similarly situated,

15 Plaintiff,

16 v.

17 YODLEE, INC., a Delaware corp.,

18 Defendant.
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Case No. 3:20-cv-05991-SK

**JOINT STIPULATION AND
[PROPOSED] ORDER SETTING
DEADLINES FOR DEFENDANT TO
AMEND ITS ANSWER OR FOR
PLAINTIFFS TO MOVE TO STRIKE
DEFENDANT'S AFFIRMATIVE
DEFENSES**

Pursuant to Civil L. R. 6-1(b), 6-2, and 7-12, Plaintiffs Deborah Wesch, Darius Clark, John H. Cottrell, William B. Cottrell, Ryan Hamre, Greg Hertik, Daisy Hodson, David Lumb, Kyla Rollier and Jenny Szeto (“Plaintiffs”), Defendant Yodlee, Inc. (“Defendant” and, together with Plaintiffs, the “Parties”), respectfully submit this joint stipulation to set a deadline for Defendant to amend its answer and for Plaintiffs to file a motion to strike certain of Defendant’s affirmative defenses pursuant to Fed. R. Civ. P. 12(f):

WHEREAS, on September 1, 2021, Defendant filed its Answer and Affirmative Defenses to the Second Amended Complaint (ECF No. 99);

WHEREAS, on September 14, 2021, Plaintiffs served on Defendant a letter indicating their position that certain of Defendant’s affirmative defenses are improper;

WHEREAS, on September 16, 2021, Defendant responded via letter stating its position that its affirmative defenses are not improper;

WHEREAS, pursuant to Fed. R. Civ. P. 12(f)(2), any motion to strike certain of Defendant’s affirmative defenses would be due on September 22, 2021;

WHEREAS, the Parties have agreed to continue the deadline for Plaintiffs’ motion to strike by 28 days to allow the Parties time to discuss whether amendment of Defendant’s answer is warranted;

WHEREAS, should Defendant decide to amend its answer, Plaintiffs reserve all rights to move to strike affirmative defenses from the amended answer;

WHEREAS, the stipulated deadlines below will not alter the date of any event or any deadline already fixed by Court Order;

WHEREAS, this stipulation is made without prejudice to any party requesting a further continuance for good cause shown;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE as follows:

1. Defendant shall notify Plaintiffs whether it intends to amend its answer by **September 29, 2021**.

2. If Defendant decides to amend its answer, Defendant’s amended answer will be due on **October 20, 2021**. Plaintiffs reserve and are not waiving any rights to move to strike any

1 affirmative defenses in the amended answer, which motion (if any) shall be due on **November 10,**
2 **2021.**

3 3. If Defendant decides not to amend its answer, Plaintiffs' motion to strike pursuant
4 to Fed. R. Civ. P. 12(f) shall be due on **October 20, 2021.**

5 4. If Plaintiffs move to strike on October 20, 2021, Defendant's opposition to such
6 motion shall be due on **November 3, 2021.** Plaintiffs' reply in further support of their motion to
7 strike shall be due on **November 10, 2021.** Any hearing on Plaintiffs' motion to strike shall be set
8 for **December 6, 2021,** or as soon thereafter as is convenient for the Court.

9
10 Dated: September 17, 2021

ROBINS KAPLAN LLP

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3 Dated: September 17, 2021

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26 *Attorneys for Yodlee, Inc.*
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**PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, THE
COURT ORDERS AS FOLLOWS:**

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September 29, 2021.

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due on **October 20, 2021**. Plaintiffs reserve and are not waiving any rights to move to strike any
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for **December 6, 2021**, or as soon thereafter as is convenient for the Court.

DATED: _____

THE HONORABLE SALLIE KIM
UNITED STATES MAGISTRATE JUDGE

ATTESTATION

I, Aaron M. Sheanin, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: September 17, 2021

By: /s/ Aaron M. Sheanin
Aaron M. Sheanin